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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIEMENS BUILDING TECHNOLOGIES, INC.,

Petitioner,

-against-

JULES KROLL and BARD PARTNERS II, LLC

Respondents.

*The application is granted.
The Clerk of the Court shall
mark this action closed and all
pending motions denied as moot.*

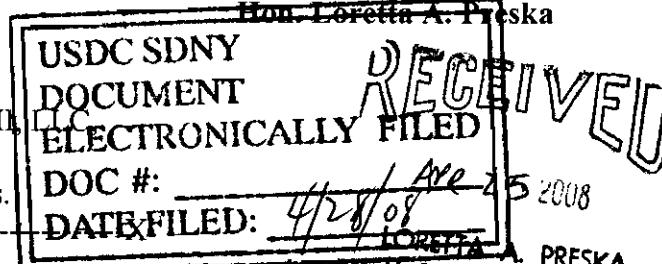
SO ORDERED

Loretta A. Preska

LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

April 28, 2008

Civ. Act. No.: 07 CV 10332 (LAP)



DECLARATION OF BRUCE M. STRIKOWSKY IN SUPPORT OF DEFAULT JUDGMENT

Bruce M. Strikowsky, an attorney admitted to practice before this Court, declares the following:

1. I am a partner of Schnader Harrison Segal & Lewis LLP, counsel for Petitioner, SIEMENS BUILDING TECHNOLOGIES, INC. ("Siemens"). As such, I am familiar with the pleadings and proceedings in this action.
2. I submit this Declaration in support of Petitioner's request, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1, for the entry of a default judgment against Respondent, BARD PARTNERS II, LLC ("Bard").
3. Bard is a Colorado Limited Liability Company with its principal place of business in Evergreen, Colorado. Both Bard and the Petitioner were parties to an arbitration proceeding in New York, New York.

4. This is an action to confirm an Arbitration Award against Bard in the amount of One Hundred Thousand One Hundred Thirty-Nine Dollars and Eighty-Nine Cents (\$100,139.89), plus One Thousand Five Hundred Sixty-One Dollars and Fifty-Nine Cents (\$1,561.59) in arbitration costs owed by Bard. The action also seeks interest as specified in the Arbitration Award at six percent (6%) per annum from May 17, 2007 until paid.

5. Petitioner commenced this action by filing a Summons and Petition to Confirm Arbitration Award with the Clerk of the Court on November 14, 2007. A true and accurate copy of the Summons and Petition is annexed hereto as Exhibit "A."

6. Bard was properly served with the Summons and Petition to Confirm Arbitration Award in this action on November 26, 2007, via hand delivery upon a person of suitable age and discretion. A true and accurate copy of the Affidavit of Service upon Bard is attached hereto as Exhibit "B."

7. Bard has failed to plead or otherwise defend herein. Moreover, the time by which Bard was required to serve an Answer or move with respect to the Petition has expired. Accordingly, this Respondent is in default.

8. Petitioner has received no payments from the respondent towards the amount demanded in the petition. A Statement of Damages is annexed as Exhibit "C."

9. Given the foregoing, Siemens respectfully requests that the Clerk of Court note Bard's default and issue a Certificate of Default in accordance with Local Civil Rule 55.1. See Exhibit "D."

10. A proposed form of Default Judgment is annexed as Exhibit "E."

11. There has been no other application for this or similar relief.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on April 23, 2008 in New York, New York.



The image shows a handwritten signature in black ink, which appears to read "Bruce M. Strikowsky". Below the signature, the name "BRUCE M. STRIKOWSKY" is printed in a smaller, sans-serif font, likely a digital representation of the signature or a typed version for clarity.